

§ 385.1

take corrective action to remedy its safety management practices?

- 385.325 What happens after a new entrant has been notified under § 385.319(c) to take corrective action to remedy its safety management practices?
- 385.327 What happens when a new entrant receives a notice under § 385.319(c) that its new entrant registration will be revoked and it believes the FMCSA made an error in its determination?
- 385.329 May a new entrant that has had its U.S. DOT registration revoked and its operations placed out of service (OOS) re-apply?
- 385.331 What happens if a new entrant operates a CMV after having been issued an order placing its interstate operations out of service (OOS)?
- 385.333 What happens at the end of the 18-month safety monitoring period?
- 385.335 If the FMCSA conducts a compliance review on a new entrant, will the new entrant also be subject to a safety audit?
- 385.337 What happens if a new entrant refuses to permit a safety audit to be performed on its operations?

Subpart E—Hazardous Materials Safety Permits

- 385.401 What is the purpose and scope of this subpart?
- 385.402 What definitions are used in this subpart?
- 385.403 Who must hold a safety permit?
- 385.405 How does a motor carrier apply for a safety permit?
- 385.407 What conditions must a motor carrier satisfy for FMCSA to issue a safety permit?
- 385.409 When may a temporary safety permit be issued to a motor carrier?
- 385.411 Must a motor carrier obtain a safety permit if it has a State permit?
- 385.413 What happens if a motor carrier receives a proposed safety rating that is less than Satisfactory?
- 385.415 What operational requirements apply to the transportation of a hazardous material for which a permit is required?
- 385.417 Is a motor carrier's safety permit number available to others?
- 385.419 How long is a safety permit effective?
- 385.421 Under what circumstances will a safety permit be subject to revocation or suspension by FMCSA?
- 385.423 Does a motor carrier have a right to an administrative review of a denial, suspension, or revocation of a safety permit?

APPENDIX A TO PART 385—EXPLANATION OF SAFETY AUDIT EVALUATION CRITERIA
APPENDIX B TO PART 385—EXPLANATION OF SAFETY RATING PROCESS

49 CFR Ch. III (10–1–06 Edition)

AUTHORITY: 49 U.S.C. 113, 504, 521(b), 5105(e), 5109, 5113, 13901–13905, 31136, 31144, 31148, and 31502; Sec. 350 of Pub. L. 107–87; and 49 CFR 1.73.

SOURCE: 53 FR 50968, Dec. 19, 1988, unless otherwise noted.

EDITORIAL NOTE: Nomenclature changes to part 385 appear at 66 FR 49872, Oct. 1, 2001.

Subpart A—General

§ 385.1 Purpose and scope.

(a) This part establishes the FMCSA's procedures to determine the safety fitness of motor carriers, to assign safety ratings, to direct motor carriers to take remedial action when required, and to prohibit motor carriers receiving a safety rating of "unsatisfactory" from operating a CMV.

(b) This part establishes the safety assurance program for a new entrant motor carrier initially seeking to register with FMCSA to conduct interstate operations. It also describes the consequences that will occur if the new entrant fails to maintain adequate basic safety management controls.

(c) This part establishes the safety permit program for a motor carrier to transport the types and quantities of hazardous materials listed in § 385.403.

(d) The provisions of this part apply to all motor carriers subject to the requirements of this subchapter, except non-business private motor carriers of passengers.

[65 FR 50934, Aug. 22, 2000, as amended at 67 FR 31982, May 13, 2002; 69 FR 39366, June 30, 2004]

§ 385.3 Definitions and acronyms.

Applicable safety regulations or requirements means 49 CFR chapter III, subchapter B—Federal Motor Carrier Safety Regulations or, if the carrier is an intrastate motor carrier subject to the hazardous materials safety permit requirements in subpart E of this part, the equivalent State standards; and 49 CFR chapter I, subchapter C—Hazardous Materials Regulations.

CMV means a commercial motor vehicle as defined in § 390.5 of this subchapter.

Commercial motor vehicle shall have the same meaning as described in § 390.5 of this subchapter, except that this definition will also apply to intrastate